



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,767	05/22/2000	Brandon A. Grooters	1492	2915

30408 7590 04/02/2003

GATEWAY, INC.
ATTENTION: IP LAW GROUP (MAIL STOP SD-21)
14303 GATEWAY PLACE
POWAY, CA 92064

EXAMINER

DETWILER, BRIAN J

ART UNIT	PAPER NUMBER
----------	--------------

2173

DATE MAILED: 04/02/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/575,767

Applicant(s)

GROOTERS, BRANDON A.

Examiner

Brian J Detwiler

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-37 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,288,716 (Humpleman et al).

Regarding claims 1, 11, 21, and 31, Humpleman teaches an information appliance having a graphical user interface (see column 2, lines 46-60; where Humpleman discusses such an information appliance displaying a graphical user interface) and capable of accessing content via a network (see column 20, lines 58-65); and a first device operably connected with the appliance (see column 2, lines 46-51); wherein the appliance is capable of analyzing audiovisual media delivered by the first device (see column 23, lines 40-50) and creating a media channel in a format acceptable to a user comprising information associated with the audiovisual media for display via the graphical user interface (see column 14, lines 37-56; where Humpleman teaches creating a media channel and connection matching selections acceptable to a user, the channel comprising the information associated with the media and displayed via a graphical user interface). With respect to claim 11, Humpleman teaches searching the network for information associated with media delivered by the first device (see column 23, lines 40-50). With respect to

Art Unit: 2173

claim 31, Humpleman teaches a graphical user interface with a predetermined format for organization and display (see column 7, lines 4-20; where Humpleman teaches a standard HTML browser based interface for common organization and display of channel information).

Regarding claims 2, 12, 22, 32, and 35, Humpleman teaches the information appliance being capable of detecting the presence of the first device and creating a first device channel comprising information associated with the device, the channel being displayable on the appliance via the graphical user interface (see column 15, lines 28-36 and Figures 8 and 10-13; where Humpleman teaches the detection of the presence of devices by searching the network, and the created channel information pages for a DVD player displayed via the graphical user interface on the appliance).

Regarding claims 3, 13, 23, 34, and 37, Humpleman teaches the information appliance is capable of placing the media channel as a sub-directory of the first device channel (see column 17, lines 61-67 and Figures 10-13; where Humpleman teaches the media channels (706 and 708) being displayed below the top-level of the tree, or the device channel (704)).

Regarding claim 4, 14, and 24, Humpleman teaches the network being the Internet (see column 20, lines 58-65).

Regarding claims 5, 15, and 25, Humpleman teaches a second device capable of being operably connected to the information appliance (see column 14, lines 45-56; where Humpleman discusses many devices the appliance could be used in conjunction with over a connected network).

Art Unit: 2173

Regarding claims 6, 16, and 26, Humpleman teaches a second device channel for the second device (see column 15, lines 64-67 and Figures 8 and 10-13; Humpleman teaches a device channel for a TV).

Regarding claims 7, 17, and 27, Humpleman teaches a first device comprising a DVD player (see column 17, lines 61-67 and bottom right of Figure 11).

Regarding claim 8, 18, and 28, Humpleman teaches audiovisual media comprising video content (see column 14, 45-56; where Humpleman teaches the media being an audio/video stream, a TV show, etc.).

Regarding claims 9, 19, and 29, Humpleman teaches the first device channel comprising an aggregation of content comprising information regarding the manufacturer of the device (see column 14, 13-25 and Figure 7; where Humpleman discloses displaying a company logo along with the device channel).

Regarding claims 10, 20, and 30, Humpleman teaches the media and device channels being updated upon subsequent utilization of the first device (see column 15, lines 28-36, where Humpleman discusses the device channels being updated upon utilization of devices; and column 22, line 63 through column 23, line 39, where Humpleman discusses the updating of media channels occurring continually to reflect the current availability of media from devices in the system).

Regarding claims 33 and 36, Humpleman teaches analyzing audiovisual media delivered by said first device to create the media channel (see column 16, lines 13-46, where Humpleman explains how the session manager obtains and analyzes the capabilities of the selected device;

Art Unit: 2173

the capabilities providing evidence to the type of the audiovisual media delivered through the network).

Response to Arguments

Applicant's arguments filed 30 January 2003 have been fully considered but they are not persuasive. Applicant asserts that Humpleman fails to anticipate each and every element of the claimed invention. Specifically, Applicant refers to the elements of "accessing content via a network" and "information associated with the audiovisual media delivered by a device". In column 6, lines 53-67 and column 7, lines 1-20, Humpleman discloses that each home device sends a custom GUI to the browser based DTV over the home network using the HTTP protocol. Figure 11 further supports this teaching by illustrating graphical user interfaces received from "Dads TV" and "Jims DVD". The "Jims DVD" interface even indicates which DVD is currently playing ("Ben Hur"). Clearly, this is one of many examples of accessing content via a network and creating a media channel comprising information associated with the audiovisual media delivered by a device. Accordingly, the rejection is maintained.

Conclusion

Applicant is hereby informed that a new examiner has been assigned to the present application. The application has been reviewed in full and a response to the amendment filed 30 January 2003 is included herewith.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2173

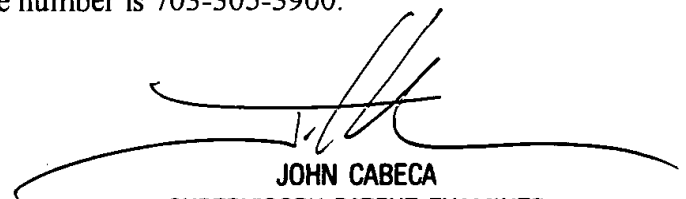
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J Detwiler whose telephone number is 703-305-3986. The examiner can normally be reached on Mon-Thu 8-5:30 and alternating Fridays 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on 703-308-3116. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

bjd
March 27, 2003



JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100